

By: Zedler

H.B. No. 650

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of presidential and vice-presidential candidates to be placed on the ballot.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 192, Election Code, is amended by adding Section 192.0301 to read as follows:

Sec. 192.0301. UNIFORM APPLICATION FOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES. (a) The secretary of state shall prescribe an official application for a place on the ballot, which must be used by a candidate for president or vice-president, regardless of the authority with whom the application is filed.

(b) The application must require a candidate to provide:

(1) the candidate's date of birth;

(2) the candidate's length of residence in the United States;

(3) an affirmation of the candidate's natural-born United States citizen status;

(4) authorization for the secretary of state to obtain a certified copy of the candidate's birth certificate from the original issuing authority; and

(5) for the applicable candidate for president, the consent of the candidate for vice-president to be the running mate of the candidate.

(c) An application made under this section is a public

1 record, as provided by Section 1.012.

2 SECTION 2. Section 192.031(a), Election Code, is amended to
3 read as follows:

4 (a) A political party is entitled to have the names of its
5 nominees for president and vice-president of the United States
6 placed on the ballot in a presidential general election if:

7 (1) the nominees possess the qualifications for those
8 offices prescribed by federal law;

9 (2) the party's state chair signs a written
10 certification ~~[of]~~:

11 (A) of the names of the party's nominees for
12 president and vice-president; ~~[and]~~

13 (B) of the names and residence addresses of
14 presidential elector candidates nominated by the party, in a number
15 equal to the number of presidential electors that federal law
16 allocates to this state; and

17 (C) that the party's nominees possess the
18 qualifications for those offices prescribed by federal law;

19 (3) the party's state chair delivers the written
20 certification with complete copies of the nominees' applications
21 for a place on the ballot to the secretary of state before the later
22 of:

23 (A) 5 p.m. of the 70th day before presidential
24 election day; or

25 (B) 5 p.m. of the first business day after the
26 date of final adjournment of the party's national presidential
27 nominating convention; and

1 (4) the party is:

2 (A) required or authorized by Subchapter A of
3 Chapter 172 to make its nominations by primary election; or

4 (B) entitled to have the names of its nominees
5 placed on the general election ballot under Chapter 181.

6 SECTION 3. Section 192.032(a), Election Code, is amended to
7 read as follows:

8 (a) To be entitled to a place on the general election
9 ballot, an independent candidate for president of the United States
10 must:

11 (1) make an application for a place on the ballot;

12 (2) possess the qualifications prescribed by federal
13 law for the office of president; and

14 (3) provide for a running mate who possesses the
15 qualifications prescribed by federal law for the office of
16 vice-president.

17 SECTION 4. Sections 192.033(a) and (c), Election Code, are
18 amended to read as follows:

19 (a) The secretary of state shall determine whether each
20 candidate for president or vice-president possesses the
21 qualifications for the office sought and, except [Except] as
22 provided by Subsection (c), [the secretary of state] shall certify
23 in writing for placement on the general election ballot the names of
24 the candidates for president and vice-president who are entitled to
25 have their names placed on the ballot.

26 (c) A candidate's name may not be certified if, before
27 delivering the certification, the secretary of state:

1 (1) learns that the name is to be omitted from the
2 ballot under Subchapter C; or

3 (2) determines that the candidate does not possess the
4 qualifications required by Section 192.031(a)(1) or 192.032(a)(2)
5 or (3).

6 SECTION 5. Section 192.036(b), Election Code, is amended to
7 read as follows:

8 (b) A declaration of write-in candidacy for president must
9 satisfy the requirements prescribed by Sections 192.032(a) and (b)
10 [~~Section 192.032(b)~~] for an independent presidential candidate's
11 application for a place on the ballot, except that a petition is not
12 required.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2013.